

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST :  
by and through MARIELLE SHAVONNE :  
SMITH and CHARIS HUMPHREY on :  
behalf of its members; SHAKETA :  
REDDEN; DORETHEA FRANKLIN; :  
TANIQUA SIMMONS; DE'JON HALL; :  
JOSEPH BONDS; CHARLES PALMER; :  
SHIRLEY SARMIENTO; EBONY :  
YELDON; and JASMINE EVANS, :  
individually and on behalf of a class of all : Case No.: 1:18-cv-00719-CCR  
others similarly situated, :  
:  
Plaintiffs, :  
:  
v. :  
:  
CITY OF BUFFALO, NY; BYRON B. :  
BROWN, Mayor of the City of Buffalo, in :  
his individual and official capacities; :  
BYRON C. LOCKWOOD, Commissioner :  
of the Buffalo Police Department, in his :  
individual and official capacities; DANIEL :  
DERENDA, former Commissioner of the :  
Buffalo Police Department, in his individual :  
capacity; AARON YOUNG, KEVIN :  
BRINKWORTH, PHILIP SERAFINI, :  
ROBBIN THOMAS, UNKNOWN :  
SUPERVISORY PERSONNEL 1-10, :  
UNKNOWN OFFICERS 1-20, each :  
officers of the Buffalo Police Department, in :  
their individual capacities, :  
:  
Defendants. :  
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**DECLARATION OF ANDREW J. TIMMICK IN SUPPORT OF PLAINTIFFS'**  
**MOTIONS (1) TO RECONSIDER THE DENIAL OF AND/OR TO RENEW THE**  
**MOTION TO CERTIFY THE TRAFFIC ENFORCEMENT CLASS PURSUANT TO**  
**RULES 54(B) AND 23(C)(1)(C) AND (2) TO INTERVENE THE PROPOSED**  
**INTERVENORS AS PLAINTIFFS AND REPRESENTATIVES OF THE TRAFFIC**  
**ENFORCEMENT CLASS**

I, Andrew J. Timmick, declare as follows:

1. I am an attorney at the law firm Covington & Burling LLP, counsel for Plaintiffs in this matter. Unless otherwise stated, the facts set forth below are based on my own personal knowledge, and if called upon to testify, I could and would testify competently thereto.

2. I submit this Declaration in support of Plaintiffs' Motions (1) to Reconsider the Denial of and/or to Renew the Motion to Certify the Traffic Enforcement Class Pursuant to Rules 54(b) and 23(c)(1)(C) and (2) to Intervene the Proposed Intervenors as Plaintiffs and Representatives of the Traffic Enforcement Class.

3. On April 22, 2025, the Court filed its Opinion and Order Granting in Part and Denying in Part Plaintiffs' Motion to Certify Class ("Class Certification Order"). ECF 161.

4. In its Opinion and Order, the Court denied certification of the Traffic Enforcement Class. *Id.*

5. In the weeks after the Class Certification Order, Plaintiffs focused on drafting and preparing supporting materials for Plaintiffs' Opposition to Defendants' Motion for Summary Judgment—a voluminous filing with a 120-page memorandum of law that was filed on May 30, 2025—and Plaintiffs' Opposition to Defendants' Petition for Permission to Appeal the District Court's Class Certification Order Pursuant to Federal Rule of Civil Procedure 23(f). *See* ECF 265; 268-322.

6. After the summary judgment briefing deadline passed, Plaintiffs worked to interview and retain Markel Nance and Thomas Christopher Williams, Jr. as Proposed Intervenors. This process took slightly over four weeks.

7. Plaintiffs have expended significant effort and endured a significant burden over the past seven years litigating this complex class action case which brings numerous

constitutional claims against individual Defendants and municipal Defendant City of Buffalo, and which alleges an ongoing policy, practice, or pattern of discriminatory traffic enforcement spanning more than a decade.

8. I attach as **Exhibit 1** a true and correct copy of the proposed Complaint in Intervention supporting the Motion in Intervention as required by Federal Rule of Civil Procedure 24(c).

9. I attach as **Exhibit 2** a true and correct copy of the redacted Appendix C attached to the Expert Report of Professor Michael Gennaco.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 11, 2025 in New York, New York.

s/ Andrew J. Timmick  
Andrew J. Timmick (*pro hac vice*)  
COVINGTON & BURLING LLP  
The New York Times Building  
620 Eighth Ave., Suite 4029  
New York, NY 10018  
212-841-1000  
atimmick@cov.com

*Counsel for Plaintiffs and Proposed  
Intervenors*